



261ST DISTRICT COURT

LORA J. LIVINGSTON

Judge
(512) 854-9309

BRENT D. MCCABE

Staff Attorney
(512) 854-9625

MARY JANE LAWSON

Court Operations Officer
(512) 854-9337

TRAVIS COUNTY COURTHOUSE

P. O. BOX 1748
AUSTIN, TEXAS 78767
FAX (512) 854-9332

RUBEN TAMEZ

Court Clerk
(512) 854-9457

LA SONYA THOMAS

Official Court Reporter
(512) 854-9331

January 17, 2019

Cleve W. Doty
Jeffrey E. Farrell
Charles Eldred
Office of the Attorney General of Texas
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Via email: cleve.doty@oag.texas.gov
Via email: Jeffrey.farrell@oag.texas.gov
Via email: Charles.eldred@oag.texas.gov

Sameer S. Birring
Hannah M. Vahl
City of Austin – Law Department
P.O. Box 1546
Austin, Texas 78767-1546
Via email: Sameer.birring@austintexas.gov
Via email: Hannah.vahl@austintexas.gov

Re: Cause No. D-1-GN-16-003340; *Paxton v. City of Austin, et al.*; In the 53rd District Court of Travis County, Texas

Dear Counsel:

I have considered the pleadings, any responses or replies, evidence and the arguments of counsel and hereby make the following rulings:

- Plaintiff met its burden to establish a violation of Section 411.209(a) on the following dates:
 - April 4, 2016;
 - April 6, 2016;
 - April 12, 2016;
 - July 1, 2016;
 - July 29, 2016; and
 - September 7, 2016.

Defendants did not meet their burden to establish an exception to Section 411.209(a) on any of the dates listed above.

- Plaintiff did not meet its burden to establish a violation on any other date.



Paxton v. City of Austin

GN-16-3340

2

- The Court assesses a civil penalty of \$1,500.00, for each violation, and a total of \$9,000.00 for all violations.
- As for Plaintiff's request for a writ of mandamus, Plaintiff presents no evidence that the City will not comply with these rulings, and Plaintiff has a remedy for subsequent violations, if necessary. The Court denies Plaintiff's request for a writ of mandamus.

Now that you have my rulings, please contact my staff, if necessary, to set a hearing to address any matters remaining from the bifurcation. If no matters remain pending, please prepare a judgment, circulate it for approval as to form, and submit it for signature at your earliest convenience. If you have any questions, please contact my Staff Attorney, Brent McCabe.

Sincerely,


Lora J. Livingston
Judge, 261st District Court

cc: Ms. Velva L. Price, Travis County District Clerk